

105TH CONGRESS  
2D SESSION

# H. R. 3293

To amend the Higher Education Act of 1965 to improve the access of women to higher education opportunities.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1998

Mr. KILDEE (for himself, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mrs. MINK of Hawaii, Mrs. MORELLA, Ms. NORTON, Ms. SANCHEZ, Ms. WOOLSEY, and Mr. SCHUMER) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Higher Education Act of 1965 to improve the access of women to higher education opportunities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; REFERENCES.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Women’s Higher Education Opportunity Act of 1998”.

6       (b) REFERENCES.—Except as otherwise expressly  
7       provided, whenever in this Act an amendment or repeal  
8       is expressed in terms of an amendment to, or repeal of,  
9       a section or other provision, the reference shall be consid-

ered to be made to a section or other provision of the  
Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

**SEC. 2. PRESERVATION OF POLICIES.**

The following provisions of the Higher Education Act  
of 1965 shall remain in effect during the fiscal years 1999  
through 2004:

(1) PART-TIME STUDENT ELIGIBILITY FOR  
PELL GRANTS.—Section 401(b)(2)(B) (20 U.S.C.  
1070a(b)(2)(B)).

(2) AID NOT COUNTED FOR ELIGIBILITY FOR  
OTHER PROGRAMS.—Section 479B (20 U.S.C.  
1087uu).

**SEC. 3. DEPENDENT CARE ALLOWANCE INCREASE.**

Section 401(a)(3)(B) (20 U.S.C. 1070a(b)(3)(B)) is  
amended by striking “\$750” and inserting “\$1,500”.

**SEC. 4. CAMPUS-BASED CHILD CARE.**

Subpart 8 of part A of title IV of the Higher Edu-  
cation Act of 1965 (20 U.S.C. 1070f) is amended by add-  
ing at the end the following:

**“SEC. 420C. CAMPUS-BASED CHILD CARE.**

“(a) SHORT TITLE.—This section may be cited as the  
‘Child Care Access Means Parents in School Act’.

“(b) FINDINGS.—Congress finds that—

1           “(1) earning potential increases significantly  
2           when individuals attend college for any period of  
3           time;

4           “(2) public assistance recipients who complete  
5           college are more likely to leave public assistance per-  
6           manently;

7           “(3) students who are parents and receive cam-  
8           pus-based child care are more likely to remain in  
9           school, and to graduate more rapidly and at a higher  
10          rate than students who are parents and do not re-  
11          ceive campus-based child care;

12          “(4) students who are parents rate access to  
13          campus-based child care programs as an important  
14          factor affecting their college enrollment;

15          “(5) children placed in high quality child care  
16          programs exhibit significant positive results from the  
17          experience, including—

18                  “(A) higher earnings as adults;

19                  “(B) higher rates of secondary school  
20          graduation;

21                  “(C) lower rates of retention in grade level;

22                  “(D) lower rates of teenage pregnancy;

23          and

24                  “(E) reduced need for special education or  
25          social services;

1           “(6) the public saves \$7 for every \$1 invested  
2           in quality child care; and

3           “(7) campus-based child care programs may  
4           have an increasingly difficult time accessing Federal  
5           child care funds under the structure of the Personal  
6           Responsibility and Work Opportunity Reconciliation  
7           Act of 1996 (Public Law 104–193; 110 Stat. 2105).

8           “(c) PURPOSE.—The purpose of this section is to  
9           support the participation of low-income parents in post-  
10          secondary education through the provision of campus-  
11          based child care services.

12          “(d) PROGRAM AUTHORIZED.—

13               “(1) AUTHORITY.—The Secretary may award  
14               grants to institutions of higher education to assist  
15               the institutions in providing campus-based child care  
16               services to low-income students.

17               “(2) AMOUNT OF GRANTS.—

18                       “(A) IN GENERAL.—The amount of a  
19                       grant awarded to an institution of higher edu-  
20                       cation under this section for a fiscal year shall  
21                       not exceed 1 percent of the total amount of all  
22                       Federal Pell Grant funds awarded to students  
23                       enrolled at the institution of higher education  
24                       for the preceding fiscal year.

1           “(B) MINIMUM.—A grant under this sec-  
2           tion shall be awarded in an amount that is not  
3           less than \$10,000.

4           “(3) DURATION; RENEWAL; AND PAYMENTS.—

5           “(A) DURATION.—The Secretary shall  
6           award a grant under this section for a period  
7           of 3 years.

8           “(B) RENEWAL.—A grant under this sec-  
9           tion may be renewed for a period of 3 years.

10          “(C) PAYMENTS.—Subject to subsection  
11          (f)(2), the Secretary shall make annual grant  
12          payments under this section.

13          “(4) ELIGIBLE INSTITUTIONS.—An institution  
14          of higher education shall be eligible to receive a  
15          grant under this section for a fiscal year if the total  
16          amount of all Federal Pell Grant funds awarded to  
17          students enrolled at the institution of higher edu-  
18          cation for the preceding fiscal year equals or exceeds  
19          \$1,000,000.

20          “(5) USE OF FUNDS.—Grant funds under this  
21          section shall be used by an institution of higher edu-  
22          cation to support or establish a campus-based child  
23          care program serving the needs of low-income stu-  
24          dents enrolled at the institution of higher education.

1           “(6) CONSTRUCTION.—Nothing in this section  
2       shall be construed to prohibit an institution of high-  
3       er education that receives grant funds under this  
4       section from serving the child care needs of the com-  
5       munity served by the institution.

6           “(7) DEFINITION OF LOW-INCOME STUDENT.—  
7       For the purpose of this section, the term ‘low-income  
8       student’ means a student who is eligible to receive  
9       a Federal Pell Grant for the fiscal year for which  
10      the determination is made.

11          “(e) APPLICATIONS.—An institution of higher edu-  
12      cation desiring a grant under this section shall submit an  
13      application to the Secretary at such time, in such manner,  
14      and accompanied by such information as the Secretary  
15      may require. Each application shall—

16           “(1) demonstrate that the institution is an eligi-  
17      ble institution described in subsection (d)(4);

18           “(2) specify the amount of funds requested;

19           “(3) demonstrate the need of low-income stu-  
20      dents at the institution for campus-based child care  
21      services by including in the application student de-  
22      mographics and other relevant data;

23           “(4) contain a description of the activities to be  
24      assisted, including whether the grant funds will sup-

1 port an existing child care program or a new child  
2 care program;

3 “(5) identify the resources the institution will  
4 draw upon to support the child care program and  
5 the participation of low-income students in the pro-  
6 gram, such as accessing social services funding,  
7 using student activity fees to help pay the costs of  
8 child care, using resources obtained by meeting the  
9 needs of parents who are not low-income students,  
10 and accessing foundation, corporate or other institu-  
11 tional support, and demonstrate that the use of the  
12 resources will not result in increases in student tui-  
13 tion;

14 “(6) contain an assurance that the institution  
15 will meet the child care needs of low-income students  
16 through the provision of services, or through a con-  
17 tract for the provision of services;

18 “(7) in the case of an institution seeking assist-  
19 ance for a new child care program—

20 “(A) provide a timeline, covering the pe-  
21 riod from receipt of the grant through the pro-  
22 vision of the child care services, delineating the  
23 specific steps the institution will take to achieve  
24 the goal of providing low-income students with  
25 child care services;

1           “(B) specify any measures the institution  
2           will take to assist low-income students with  
3           child care during the period before the institu-  
4           tion provides child care services; and

5           “(C) include a plan for identifying re-  
6           sources needed for the child care services, in-  
7           cluding space in which to provide child care  
8           services, and technical assistance if necessary;

9           “(8) contain an assurance that any child care  
10          facility assisted under this section will meet the ap-  
11          plicable State or local government licensing, certifi-  
12          cation, approval, or registration requirements; and

13          “(9) contain a plan for any child care facility  
14          assisted under this section to become accredited  
15          within 3 years of the date the institution first re-  
16          ceives assistance under this section.

17          “(f) REPORTING REQUIREMENTS; CONTINUING ELI-  
18          GIBILITY.—

19               “(1) REPORTING REQUIREMENTS.—

20               “(A) REPORTS.—Each institution of high-  
21               er education receiving a grant under this sec-  
22               tion shall report to the Secretary 18 months  
23               and 36 months after receiving the first grant  
24               payment under this section.



1                   “(B) CONTENTS.—The report shall in-  
2                   clude—

3                   “(i) data on the population served  
4                   under this section;

5                   “(ii) information on campus and com-  
6                   munity resources and funding used to help  
7                   low-income students access child care serv-  
8                   ices;

9                   “(iii) information on progress made  
10                  toward accreditation of any child care fa-  
11                  cility; and

12                  “(iv) information on the impact of the  
13                  grant on the quality, availability, and af-  
14                  fordability of campus-based child care serv-  
15                  ices.

16               “(2) CONTINUING ELIGIBILITY.—The Secretary  
17               shall make the third annual grant payment under  
18               this section to an institution of higher education  
19               only if the Secretary determines, on the basis of the  
20               18-month report submitted under paragraph (1),  
21               that the institution is making a good faith effort to  
22               ensure that low-income students at the institution  
23               have access to affordable, quality child care services.

24               “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
25               are authorized to be appropriated \$60,000,000 for fiscal

1 year 1998 and such sums as may be necessary for each  
2 of the 4 succeeding fiscal years to carry out this section.”.

3 **SEC. 5. FAIR PLAY FOR WOMEN’S ATHLETIC ACTIVITIES.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) June 23, 1997, marks the 25th anniversary  
7 of the signing of title IX of the Education Amend-  
8 ments of 1972 (20 U.S.C. 1681 et seq.) into law,  
9 and on that day communities across the United  
10 States will honor the tremendous difference such  
11 title IX has made to women and girls in our Nation.

12 (2) Since enactment in 1972, such title IX has  
13 played a vital role in expanding the athletic opportu-  
14 nities available to American girls and women.

15 (3) Prior to the enactment of such title IX,  
16 fewer than 32,000 women competed in intercolle-  
17 giate athletics, women received only 2 percent of  
18 schools’ athletic budgets, and athletic scholarships  
19 for women were practically nonexistent.

20 (4) In 1997, more than 110,000 women com-  
21 peted in intercollegiate sports, and women account  
22 for 37 percent of college varsity athletes.

23 (5) While such title IX has been very success-  
24 ful, a significant gap remains between the athletic

1 opportunities available to men and the athletic op-  
2 portunities available to women.

3 (6) According to a 1997 study by the National  
4 Collegiate Athletic Association, female college ath-  
5 letes receive only 23 percent of athletic operating  
6 budgets, 38 percent of athletic scholarship dollars,  
7 and 27 percent of the money spent to recruit new  
8 athletes.

9 (7) While women represent 53 percent of the  
10 students attending institutions of higher education,  
11 women comprise only 37 percent of the athletes at-  
12 tending institutions of higher education.

13 (8) There is substantial evidence that women  
14 and girls who participate in athletics have better  
15 physical and emotional health than women and girls  
16 who do not participate, and that participation in  
17 athletics can improve academic achievement.

18 (9) Easily accessible information regarding the  
19 expenditures of institutions of higher education for  
20 women's and men's athletic programs will help pro-  
21 spective students and prospective student athletes  
22 make informed judgments about the commitment of  
23 a given institution of higher education to providing  
24 athletic opportunities to male and female students  
25 attending the institution.

1 (b) PURPOSES.—The purposes of this section are—

2 (1) to make information regarding men’s and  
3 women’s athletic programs at institutions of higher  
4 education easily available to prospective students  
5 and prospective student athletes; and

6 (2) to increase the athletic opportunities avail-  
7 able to women at institutions of higher education.

8 (c) INFORMATION AVAILABILITY.—Section 485(g)  
9 (20 U.S.C. 1092(g)) is amended—

10 (1) by redesignating paragraphs (4) and (5) as  
11 paragraphs (5) and (6), respectively; and

12 (2) by inserting after paragraph (3) the follow-  
13 ing:

14 “(4) SUBMISSION; REPORT; INFORMATION  
15 AVAILABILITY.—(A) Each institution of higher edu-  
16 cation described in paragraph (1) shall provide to  
17 the Secretary, within 15 days of the date that the  
18 institution makes available the report under para-  
19 graph (1), the information contained in the report.

20 “(B) The Secretary shall prepare a report re-  
21 garding the information received under subpara-  
22 graph (A) for each year by April 1 of the year. The  
23 report shall—

24 “(i) summarize the information and iden-  
25 tify trends in the information;

1           “(ii) aggregate the information by divisions  
2           of the National Collegiate Athletic Association;  
3           and

4           “(iii) contain information on each individ-  
5           ual institution of higher education.

6           “(C) The Secretary shall ensure that the report  
7           described in subparagraph (B) is made available on  
8           the Internet within a reasonable period of time.

9           “(D) The Secretary shall establish, within a  
10          reasonable period of time, a toll-free telephone serv-  
11          ice—

12           “(i) to provide the public with information  
13          regarding reports described in subparagraph  
14          (B);

15           “(ii) to provide the public with information  
16          regarding the information received under sub-  
17          paragraph (A); and

18           “(iii) to respond to inquiries from the pub-  
19          lic regarding the provisions of title IX of the  
20          Education Amendments of 1972.

21          “(E) The Secretary shall use the information  
22          provided by institutions of higher education under  
23          paragraph (1) to ensure compliance with title IX of  
24          the Education Amendments of 1972.

1           “(F) The Secretary shall notify, not later than  
2       180 days after the date of enactment of this para-  
3       graph, all secondary schools in all States regarding  
4       the availability of the information reported under  
5       subparagraph (B) and the information made avail-  
6       able under paragraph (1), and how such information  
7       may be accessed.”.

8   **SEC. 6. CAMPUS SAFETY.**

9       (a) GRANTS TO COMBAT VIOLENT CRIMES AGAINST  
10  WOMEN ON CAMPUSES.—Title XII is amended by adding  
11  at the end the following new section:

12  **“SEC. 1214. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**  
13                   **WOMEN ON CAMPUSES.**

14       “(a) GRANTS AUTHORIZED.—

15           “(1) IN GENERAL.—The Secretary is authorized  
16       to make grants to institutions of higher education  
17       for use by campus personnel and student organiza-  
18       tions to assist campus administrators and security  
19       personnel to develop and strengthen effective secu-  
20       rity and investigation strategies to combat violent  
21       crimes against women on campuses, and to develop  
22       and strengthen victim services in cases involving vio-  
23       lent crimes against women on campuses, which may  
24       include partnerships with local criminal justice au-

1       thorities and community-based victims services agen-  
2       cies.

3               “(2) AWARD BASIS.—The Secretary shall award  
4       grants and contracts under this section on a com-  
5       petitive basis.

6               “(3) EQUITABLE PARTICIPATION.—The Sec-  
7       retary shall make every effort to ensure the equi-  
8       table participation of private and public institutions  
9       of higher education and to ensure the equitable geo-  
10      graphic participation of such institutions in the ac-  
11      tivities assisted under this part.

12              “(b) USE OF GRANT FUNDS.—Grants under this  
13      part shall provide personnel, training, technical assistance,  
14      data collection, and other equipment for the increased ap-  
15      prehension, investigation, and adjudication of persons  
16      committing violent crimes against women on campuses  
17      and specifically for the following purposes:

18              “(1) To train campus administrators and cam-  
19      pus security personnel to more effectively identify  
20      and respond to violent crimes against women on  
21      campus, including the crimes of sexual assault,  
22      stalking, and domestic violence.

23              “(2) To develop, train, or expand campus secu-  
24      rity personnel and campus administrators specifi-  
25      cally targeting violent crimes against women on cam-

1       pus, including the crimes of sexual assault, stalking,  
2       and domestic violence.

3           “(3) To develop and implement more effective  
4       campus policies, protocols, orders, and services spe-  
5       cifically devoted to prevent, identify, and respond to  
6       violent crimes against women on campus, including  
7       the crimes of sexual assault, stalking, and domestic  
8       violence.

9           “(4) To develop, install, or expand data collec-  
10      tion and communication systems, including comput-  
11      erized systems, linking campus security to the local  
12      law enforcement for the purpose of identifying and  
13      tracking arrests, protection orders, violations of pro-  
14      tection orders, prosecutions, and convictions for vio-  
15      lent crimes against women on campus, including the  
16      crimes of sexual assault, stalking, and domestic vio-  
17      lence.

18          “(5) To develop, enlarge, or strengthen victim  
19      services programs for local campuses and to improve  
20      delivery of victim services on campuses.

21          “(6) To provide capital improvements on cam-  
22      puses to address violent crimes against women on  
23      campus, including the crimes of sexual assault,  
24      stalking, and domestic violence.



1           “(7) To support improved coordination between  
2       campus administrators, campus security personnel,  
3       and local law enforcement to reduce violent crimes  
4       against women on campus.

5       “(c) APPLICATIONS.—

6           “(1) IN GENERAL.—In order to be eligible to be  
7       awarded a grant under this section for any fiscal  
8       year, an institution of higher education shall submit  
9       an application to the Secretary at such time and in  
10      such manner as the Secretary shall prescribe.

11          “(2) CONTENTS.—Each application submitted  
12      under paragraph (1) shall—

13           “(A) describe the need for grant funds and  
14      the plan for implementation for any of the pur-  
15      poses described in subsection (b);

16           “(B) describe how the campus authorities  
17      shall consult and coordinate with nonprofit,  
18      nongovernmental victim services programs, in-  
19      cluding sexual assault and domestic violence  
20      victim services programs;

21           “(C) describe the characteristics of the  
22      population being served, including type of cam-  
23      pus, demographics of the population, and num-  
24      ber of students;

1           “(D) provide measurable goals and ex-  
2           pected results from the use of the grants funds;

3           “(E) provide assurances that the Federal  
4           funds made available under this section shall be  
5           used to supplement and, to the extent practical,  
6           increase the level of funds that would, in the  
7           absence of Federal funds, be made available by  
8           the applicant for the purpose described in this  
9           part; and

10          “(F) include such other information and  
11          assurances as the Secretary reasonably deter-  
12          mines to be necessary.

13          “(d) GRANTEE REPORTING.—Upon completion of the  
14          grant period under this section, the grantee institution  
15          shall file a performance report with the Secretary explain-  
16          ing the activities carried out together with an assessment  
17          of the effectiveness of those activities in achieving the pur-  
18          poses of this section.

19          “(e) GENERAL TERMS AND CONDITIONS.—

20          “(1) NONMONETARY ASSISTANCE.—In addition  
21          to the assistance provided under this part, the Sec-  
22          retary may request any Federal agency to use its  
23          authorities and the resources granted to it under  
24          Federal law (including personnel, equipment, sup-  
25          plies, facilities, and managerial, technical and advi-

1 sory services) in support of campus security and in-  
2 vestigation and victim service efforts.

3 “(2) REPORTING.—Not later than 180 days  
4 after the end of the fiscal year for which grants are  
5 made under this part, the Secretary shall submit to  
6 the committees of the House of Representatives and  
7 the Senate responsible for issues relating to higher  
8 education and crime, a report that includes—

9 “(A) the number of grants and funds dis-  
10 tributed under this part;

11 “(B) a summary of the purposes for which  
12 these grants were provided and an evaluation of  
13 their progress;

14 “(C) a statistical summary of the persons  
15 served, detailing the nature of victimization,  
16 and providing data on age, sex, race, ethnicity,  
17 language, disability, relationship to offender, ge-  
18 ographic distribution, and type of campus; and

19 “(D) an evaluation of the effectiveness of  
20 programs funded under this part.

21 “(3) REGULATIONS OR GUIDELINES.—Not later  
22 than 120 days after the date of enactment of this  
23 part, the Secretary shall publish proposed regula-  
24 tions or guidelines implementing this part. Not later  
25 than 180 days after the date of enactment, the Sec-

1       retary shall publish final regulations or guidelines  
2       implementing this part.

3       “(f) DEFINITIONS.—In this part—

4               “(1) the term ‘domestic violence’ includes acts  
5       or threats of violence, not including acts of self-de-  
6       fense, committed by a current or former spouse of  
7       the victim, by a person with whom the victim shares  
8       a child in common, by a person who is cohabitating  
9       with or has cohabitated with the victim, by a person  
10      similarly situated to a spouse of the victim under the  
11      domestic or family violence laws of the jurisdiction,  
12      or by any other person against a victim who is pro-  
13      tected from that person’s acts under the domestic or  
14      family violence laws of the jurisdiction;

15              “(2) the term ‘sexual assault’ means any con-  
16      duct proscribed by chapter 109A of title 18, United  
17      States Code, whether or not the conduct occurs in  
18      the special maritime and territorial jurisdiction of  
19      the United States or in a Federal prison and in-  
20      cludes both assaults committed by offenders who are  
21      strangers to the victim and assaults committed by  
22      offenders who are known or related by blood or mar-  
23      riage to the victim; and

24              “(3) the term ‘victim services’ means a non-  
25      profit, nongovernmental organization that assists do-

1       mestic violence or sexual assault victims, including  
 2       campus women’s centers, rape crisis centers, bat-  
 3       tered women’s shelters, and other sexual assault or  
 4       domestic violence programs including campus coun-  
 5       seling support and victim advocate organizations  
 6       with domestic violence, stalking, and sexual assault  
 7       programs, whether or not organized and staffed by  
 8       students.

9       “(g) AUTHORIZATION OF APPROPRIATIONS.—For the  
 10      purpose of carrying out this part, there are authorized to  
 11      be appropriated \$10,000,000 for each of the 4 succeeding  
 12      fiscal years.”.

13      (b) PROCEDURES FOR THE REPORT OF SEXUAL AS-  
 14      SAULTS.—Title XII is further amended by adding after  
 15      section 1214 (as added by subsection (a)) the following  
 16      new section:

17      **“SEC. 1215. NATIONAL BASELINE STUDY ON UNIVERSITY**  
 18                   **CAMPUS PROCEDURES IN CASE OF A REPORT**  
 19                   **OF SEXUAL ASSAULT.**

20      “(a) STUDY.—The Secretary of Education, in con-  
 21      sultation with the Department of Justice, shall provide for  
 22      a national baseline study to examine college and university  
 23      procedures upon receiving the report of a sexual assault.

24      “(b) REPORT.—The study required by subsection (a)  
 25      shall include the analysis of—

1           “(1) the existence and publication of the insti-  
2           tution’s and State law definition of sexual assault;

3           “(2) the existence and publication of the insti-  
4           tution’s formal policy for campus sexual assaults;

5           “(3) to whom reports are stated most often  
6           and—

7                   “(A) how these authorities are trained to  
8                   deal with the reports; and

9                   “(B) the extent to which they are trained;

10           “(4) the reporting options which are articulated  
11           to the victim or victims of the crime—

12                   “(A) on-campus reporting and procedure  
13                   options; and

14                   “(B) off-campus (State) reporting and pro-  
15                   cedure options;

16           “(5) the resources available for victims’ safety,  
17           support, medical health, and confidentiality, includ-  
18           ing—

19                   “(A) how well these resources are articu-  
20                   lated both specifically to the victim of sexual as-  
21                   sault and generally to the campus at large; and

22                   “(B) the security of these resources in  
23                   terms of confidentiality or reputation or both;

24           “(6) policies and practices that may prevent or  
25           discourage the reporting of campus sexual assaults

1 to local criminal authorities, or that may otherwise  
2 obstruct justice or interfere with the prosecution of  
3 perpetrators of campus sexual assaults;

4 “(7) policies and practices found successful in  
5 aiding the report and any ensuing investigation or  
6 prosecution of a campus sexual assault;

7 “(8) the on-campus procedures for investigation  
8 and disciplining the perpetrator, including—

9 “(A) the format for collecting evidence;  
10 and

11 “(B) the format of the investigation and  
12 disciplinary proceeding itself—

13 “(i) the faculty responsible for run-  
14 ning the disciplinary procedure; and

15 “(ii) the persons allowed to attend the  
16 disciplinary procedure; and

17 “(9) types of punishment for offenders, includ-  
18 ing—

19 “(A) whether case directed outside to fur-  
20 ther punishment; and

21 “(B) how individual institutions of higher  
22 education punish perpetrators.

23 “(c) SUBMISSION OF REPORT.—The report required  
24 by subsection (b) shall be submitted to Congress no later  
25 than September 1, 1999.

1       “(d) DEFINITION.—For purposes of this section, the  
2 term ‘campus sexual assaults’ includes sexual assaults oc-  
3 ccurring at institutions of higher education and sexual as-  
4 saults committed against or by students or employees of  
5 such institutions.

6       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section  
8 \$1,000,000 for fiscal year 1999.”.

9   **SEC. 7. GRADUATE PROGRAM AUTHORIZED.**

10       Title IX of the Act is amended to read as follows:

11   **“TITLE     IX—NATIONAL     GRAD-**  
12       **UATE FELLOWSHIP PROGRAM**

13   **“SEC. 901. STATEMENT OF PURPOSE.**

14       “It is the purpose of this title to authorize a national  
15 graduate fellowship program in order to attract students  
16 of superior ability, demonstrated achievement, and excep-  
17 tional promise into high-quality graduate programs and  
18 provide them with the financial support necessary to com-  
19 plete graduate programs for the purpose of increasing the  
20 number of talented students pursuing teaching and re-  
21 search careers in areas of national need; encouraging tal-  
22 ented students to pursue scholarly careers in the human-  
23 ities, social sciences and the arts; and increasing the num-  
24 ber of talented students from groups underrepresented in



1 graduate education to pursue faculty careers in higher  
2 education.

3 **“SEC. 902. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—

5 “(1) AUTHORITY.—The Secretary shall, either  
6 directly or by contract as authorized by paragraph  
7 (2) of this subsection, carry out the graduate fellow-  
8 ship program authorized by this title.

9 “(2) SPECIAL CONTRACTING RULE.—The Sec-  
10 retary is authorized to enter into a contract with a  
11 nongovernmental organization which demonstrates  
12 the capacity to administer graduate fellowship pro-  
13 grams, to carry out all or part of the functions of  
14 the Secretary under this title.

15 “(b) DEGREE RULE.—The fellowships authorized by  
16 this title shall be awarded to students intending to pursue  
17 a doctoral degree, except that fellowships may be awarded  
18 to students pursuing a master’s degree in fields in which  
19 the master’s degree is commonly accepted as the appro-  
20 priate degree for a tenured-track faculty position in a bac-  
21 calaureate degree-granting institution, or for fellowships  
22 for scholars from underrepresented groups, masters pro-  
23 grams that place a substantial portion of their graduates  
24 in doctoral programs.

1       “(c) GEOGRAPHIC DISTRIBUTION.—In awarding  
2 grants under this title (other than fellowships awarded  
3 under section 907), and to the extent practicable, the Sec-  
4 retary shall ensure—

5           “(1) an equitable geographic distribution of  
6 such grants; and

7           “(2) that both public and private institutions of  
8 higher education are fairly represented among the  
9 grant recipients.

10       “(d) PEER REVIEW PROCEDURE.—The Secretary  
11 shall use a peer review process in awarding grants and  
12 fellowships under this title. In carrying out this sub-  
13 section, the Secretary shall use distinguished academic  
14 scholars from appropriate disciplines to judge the quality  
15 and effectiveness of academic programs and the achieve-  
16 ment and promise of students applying to the program  
17 authorized by this title.

18 **“SEC. 903. FELLOWSHIPS AUTHORIZED.**

19       “(a) IN GENERAL.—Both—

20           “(1) the institution of higher education (and  
21 academic department or program of such an institu-  
22 tion) receiving a grant under this title for fellow-  
23 ships described in section 906 and 908; and

24           “(2) the Secretary in the case of fellowships de-  
25 scribed in section 907;

1 shall award fellowships in an amount equal to the amount  
2 awarded to National Science Foundation graduate fellow-  
3 ship recipients for the year in which the fellowship is  
4 awarded, or an amount based on the financial need of the  
5 recipient (as determined by the institution), whichever is  
6 less.

7 “(b) INSTITUTIONAL PAYMENTS.—

8 “(1) IN GENERAL.—The Secretary shall (in ad-  
9 dition to stipends paid to individuals under this title)  
10 pay to the institution of higher education, for each  
11 individual awarded a fellowship under this title at  
12 such institution, an institutional allowance. Except  
13 as provided in paragraph (2), such allowance shall,  
14 with respect to individuals who first receive fellow-  
15 ships during or after academic year 1998–1999,  
16 be—

17 “(A) \$10,000 for the academic year 1998–  
18 1999; and

19 “(B) for succeeding academic years,  
20 \$10,000 adjusted annually thereafter in accord-  
21 ance with inflation as determined by the De-  
22 partment of Labor’s Consumer Price Index for  
23 the previous calendar year.

24 “(2) REDUCTION.—The institutional allowance  
25 paid under paragraph (1) shall be reduced by the

1 amount the institution charges and collects from a  
2 fellowship recipient for tuition and other expenses as  
3 part of the recipient's instructional program.

4 “(c) DURATION.—The fellowships awarded under  
5 this title shall be 3 years.

6 “(d) USE FOR RELIGIOUS PURPOSES PROHIBITED.—  
7 No fellowship may be awarded under this title for study  
8 at a school or department of divinity.

9 **“SEC. 904. FELLOWSHIP CONDITIONS.**

10 “(a) REQUIREMENTS FOR RECIPIENTS.—An individ-  
11 ual awarded a fellowship under this title shall continue  
12 to receive the payments provided in section 903 only dur-  
13 ing such periods as the institution of higher education de-  
14 termines that the individual is maintaining satisfactory  
15 proficiency in, and devoting essentially full time to, study  
16 or research in the field in which such fellowship was  
17 awarded, in an institution of higher education, and is not  
18 engaging in gainful employment other than part-time em-  
19 ployment by such institution in teaching, research, or simi-  
20 lar activities, approved by the Secretary.

21 “(b) REPORTS FROM RECIPIENTS.—The Secretary is  
22 authorized to require reports from institutions attended  
23 by individuals awarded fellowships under this title to verify  
24 that the individuals are devoting essentially full time to  
25 the program for which the fellowship was awarded.

1   **“SEC. 905. CONSULTATION.**

2           “(a) IN GENERAL.—After consultation with the Na-  
3 tional Research Council of the National Academy of  
4 Sciences, the National Academy of Engineering, and the  
5 Institute of Medicine, and other appropriate Federal and  
6 nonprofit agencies and organizations, the Secretary  
7 shall—

8                   “(1) designate areas of national need;

9                   “(2) set the minimum allocation for selections  
10       of fellows in the humanities, social sciences, and the  
11       arts; and

12                   “(3) set forth the academic disciplines in which  
13       there is underrepresentation.

14 In making designations under paragraph (1), the Sec-  
15 retary shall take into account the extent to which the in-  
16 terest is compelling and the extent to which other Federal  
17 programs support postbaccalaureate study in the area con-  
18 cerned.

19           “(b) SPECIAL PAYMENT RULE.—The Secretary is  
20 authorized to pay the expenses of the National Research  
21 Council in carrying out subsection (a).

22   **“SEC. 906. FELLOWSHIPS IN AREAS OF NATIONAL NEED.**

23           “(a) IN GENERAL.—The Secretary shall make grants  
24 to academic departments and programs and other aca-  
25 demic units of institutions of higher education that pro-  
26 vide courses of study leading to a graduate degree in order

1 to enable such institutions to promote careers in teaching,  
 2 or research, or both, in areas of national need.

3 “(b) ELIGIBILITY CRITERIA.—Any academic depart-  
 4 ment or program of an institution of higher education that  
 5 offers a program of postbaccalaureate study leading to a  
 6 graduate degree in an area of national need (as designated  
 7 under section 905(a)(1)) may apply for a grant under this  
 8 section. No department or program shall be eligible for  
 9 a grant unless the program of postbaccalaureate study has  
 10 been in existence for at least 4 years at the time of appli-  
 11 cation for assistance under this title.

12 **“SEC. 907. FELLOWSHIPS IN THE HUMANITIES, SOCIAL**  
 13 **SCIENCES, AND ARTS.**

14 “(a) IN GENERAL.—The Secretary shall award fel-  
 15 lowships, in accordance with the provisions of this title,  
 16 for graduate study in the humanities, social sciences, and  
 17 the arts by students of superior ability.

18 “(b) SUPERIOR ABILITY RULE.—The Secretary shall  
 19 base determinations of the superior ability of a student  
 20 upon demonstrated achievement and exceptional promise.

21 “(c) SELECTION CRITERIA AND PROCESS.—The Sec-  
 22 retary shall—

23 “(1) establish criteria for the distribution of fel-  
 24 lowships among eligible academic fields, after the  
 25 consultation required by section 905(a)(2); and

1           “(2) appoint panels of academic scholars with  
2           distinguished backgrounds in the humanities, social  
3           sciences, and the arts for the selection of fellows and  
4           use peer review procedures in the selection process.

5           “(d) FELLOWSHIP PORTABILITY.—Each recipient  
6           under this section may use the fellowship in a graduate  
7           program at any institution of higher education at which  
8           the student may decide to enroll.

9           **“SEC. 908. FELLOWSHIPS FOR SCHOLARS FROM UNDER-**  
10           **REPRESENTED GROUPS.**

11           “(a) IN GENERAL.—The Secretary shall make grants  
12           to institutions of higher education, or consortia of such  
13           institutions, to enable such institutions to award fellow-  
14           ships to talented graduate students in order to enhance  
15           the access of individuals from underrepresented groups to  
16           pursue graduate study, and to teach in institutions of  
17           higher education.

18           “(b) UNDERREPRESENTED GROUPS DEFINED.—For  
19           the purpose of this title, the term ‘underrepresented  
20           groups’ means African Americans, Hispanic Americans,  
21           Asian Americans, Native Americans, Pacific Islanders,  
22           Native Hawaiians, and women who are pursuing graduate  
23           study in academic disciplines in which they are underrep-  
24           resented.

1       “(c) DISTRIBUTION RULE.—Each institution of high-  
2 er education or consortium receiving a grant under this  
3 section shall ensure that during the period of the grant  
4 there is an equitable distribution of fellowships under this  
5 section among underrepresented groups.

6       “(d) PREFERENCE.—The Secretary shall give pref-  
7 erence, in making grants under this section, to institutions  
8 of higher education, or consortia, which have a dem-  
9 onstrated record of enrolling talented individuals from  
10 groups underrepresented in their graduate programs and  
11 placing them in academic positions.

12       “(e) EVALUATION.—The Secretary shall evaluate the  
13 success of recipients of grants under this section in at-  
14 tracting underrepresented students into graduate pro-  
15 grams, graduating the students, and placing the graduates  
16 in faculty positions.

17 **“SEC. 909. INSTITUTIONAL APPLICATIONS.**

18       “(a) APPLICATION REQUIRED.—Each academic de-  
19 partment or program of an institution of higher education  
20 desiring a grant under section 906 and each institution  
21 of higher education or consortium desiring a grant under  
22 section 908 shall submit an application to the Secretary  
23 at such time, in such manner and containing such infor-  
24 mation as the Secretary may reasonably require.



1       “(b) ADDITIONAL ASSURANCES.—Each application  
2 submitted pursuant to subsection (a) shall—

3               “(1) provide assurances that, in the event that  
4 funds made available to the academic department or  
5 program under this title are insufficient to provide  
6 assistance due a student under a commitment en-  
7 tered into between the academic department and the  
8 student, the academic department or program will  
9 endeavor, from funds available to it, to fulfill the  
10 commitment made to the student; and

11              “(2) contain such other assurances as the Sec-  
12 retary may reasonably require.

13       “(c) APPROVAL OF APPLICATIONS.—The Secretary  
14 shall prescribe criteria for the approval of applications  
15 submitted under subsection (a).

16 **“SEC. 910. SAVINGS PROVISION.**

17       “(a) IN GENERAL.—Each fellow under this title, as  
18 in effect prior to the enactment of this section, who has  
19 not completed the course of study for which the fellowship  
20 was awarded on the day before the date of enactment of  
21 this section may continue to receive the fellowship for aca-  
22 demic year 1998–1999, in accordance with the applicable  
23 provisions of this title then in effect.

24       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated such sums as may be

1 necessary to carry out the provisions of subsection (a) of  
 2 this section.

3 **“SEC. 911. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out  
 5 this title (other than section 910) \$110,000,000 for fiscal  
 6 year 1998 and such sums as may be necessary for each  
 7 of the 4 succeeding fiscal years.”.

8 **SEC. 8. DISCLOSURE OF CRIMES REPORTED AND DAILY**  
 9 **CRIME LOG.**

10 (a) ANNUAL STATISTICS.—Section 485(f)(1)(F) (20  
 11 U.S.C. 1092(f)(1)(F)) is amended—

12 (1) by striking “campus security authorities or  
 13 local police agencies” and inserting “campus security  
 14 or law enforcement; other campus officials (including  
 15 administrators, deans, disciplinary officers, athletic  
 16 department officials, and resident advisers) to whom  
 17 crimes are reported; or local law enforcement”;

18 (2) by striking clauses (i) through (vi) and in-  
 19 serting the following:

20 “(i) homicide, including—

21 “(I) murder or nonnegligent man-  
 22 slaughter; or

23 “(II) negligent manslaughter;

24 “(ii) sexual assaults;

25 “(iii) robbery;

1                   “(iv) aggravated assault;  
2                   “(v) burglary;  
3                   “(vi) larceny;  
4                   “(vii) motor vehicle theft; and  
5                   “(viii) a crime that manifests evidence of  
6                   prejudice based on race, religion, disability, gen-  
7                   der, sexual orientation, or ethnicity, including  
8                   where appropriate the crimes of murder, non-  
9                   negligent manslaughter; forcible rape; aggra-  
10                  vated assault, simple assault, intimidation;  
11                  arson; and destruction, damage or vandalism of  
12                  property.”.

13           (b) ANNUAL SUBMISSION.—Paragraph (4) of section  
14 485(f) (20 U.S.C. 1092(f)(4)) is amended to read as fol-  
15 lows:

16           “(4)(A) Each institution participating in any pro-  
17 gram under this title shall annually submit to the Sec-  
18 retary a copy of the statistics required to be made avail-  
19 able pursuant to paragraphs (1)(F) and (1)(H).

20           “(B) The Secretary shall collect such statistics and  
21 report each set in its entirety, with each institution and  
22 campus clearly identified, to the Committee on Education  
23 and the Workforce of the House of Representatives, the  
24 Committee on Labor and Human Resources of the Senate,  
25 each participating institution, and the public via printed

1 means, the Internet, and such other means as the Sec-  
2 retary shall determine. This report shall be issued on or  
3 before February 1 of each year.”.

4 (c) COMPILATION METHOD.—Paragraph (6) of sec-  
5 tion 485(f) (20 U.S.C. 1092(f)(6)) is amended to read as  
6 follows:

7 “(6)(A) The statistics described in paragraphs (1)(F)  
8 and (1)(H) shall be compiled in accordance with the stand-  
9 ards and definitions used in the uniform crime reporting  
10 system of the Department of Justice, Federal Bureau of  
11 Investigation, and the modifications in such standards and  
12 definitions as implemented pursuant to the Hate Crime  
13 Statistics Act (28 U.S.C. 534, note).

14 “(B)(i) The accuracy of the statistics described in  
15 paragraphs (1)(F) and (1)(H) shall be certified by an offi-  
16 cial designated by each institution who is charged with  
17 compiling statistics for inclusion. Such official shall also  
18 be responsible for disseminating the information required  
19 under this paragraph as well as the monthly reports re-  
20 quired under paragraph (4)(B).

21 “(ii) Such official shall ensure to the maximum pos-  
22 sible extent that the annual statistics required under this  
23 paragraph are not duplicative of incidents included in the  
24 reports required under paragraph (4)(B).

1       “(iii) Such official shall also be responsible for coordi-  
2 nating and disseminating information regarding campus-  
3 based and community-based crime prevention programs.

4       “(iv) Such official shall not identify victims of crimes  
5 or those accused of crimes in publishing the statistics de-  
6 scribed in paragraphs (1)(F) and (1)(H) or disseminating  
7 information as described in paragraph (4)(B).”.

8       (d) CRIME LOGS.—Section 485(f) is further amend-  
9 ed—

10           (1) by redesignating paragraphs (4) through  
11           (7) as paragraphs (5) through (8), respectively; and

12           (2) by inserting after paragraph (3) the follow-  
13 ing new paragraph:

14       “(4)(A) Each institution participating in any pro-  
15 gram under this title which maintains either a police or  
16 security department of any kind shall make a monthly re-  
17 port written in a form that can be easily understood, that  
18 records in chronological order all crimes reported to such  
19 police or security department. Such records shall not iden-  
20 tify victims of the crime or persons accused of the crime,  
21 but shall include, in a manner determined by the Sec-  
22 retary—

23           “(i) the nature, date, time, and general location  
24           of each crime; and

25           “(ii) the disposition of the complaint, if known.

1       “(B) All entries which are required pursuant to this  
 2 paragraph shall, except where disclosure of such informa-  
 3 tion is prohibited by law, be open to public inspection with-  
 4 in one month of the initial report being made to the de-  
 5 partment, a campus security authority, or other campus  
 6 official.

7       “(C) Monthly reports shall be disseminated through  
 8 at least the following means: campus-sponsored publica-  
 9 tions (including student newspapers), notice through resi-  
 10 dent advisory organizations, and electronic networks.”.

11       (e) EFFECTIVE DATE.—The amendments made by  
 12 this section shall take effect on January 1, 1998.

13 **SEC. 9. EXEMPTION OF ALLEGATIONS OF CRIMINAL ACTIV-**  
 14 **ITY FROM EDUCATION RECORDS DEFINITION.**

15       (a) AMENDMENT.—Section 444(a)(4)(B) of the Gen-  
 16 eral Education Provisions Act (20 U.S.C. 1232g(a)(4)(B))  
 17 is amended—

18               (1) by redesignating clauses (iii) and (iv) as  
 19 clauses (iv) and (v), respectively; and

20               (2) by inserting after clause (ii) the following  
 21 new clause:

22               “(iii) records which are made or maintained by  
 23 any officer, office, department, or individual em-  
 24 ployee of an educational agency or institution  
 25 about—

1 “(I) individuals who have been found guilty  
2 of, or have pled guilty to, committing or partici-  
3 pating in any criminal activity as defined in  
4 local, State, or Federal law alleged to have oc-  
5 curred while the individual was a student in at-  
6 tendance, including audit or noncredit, at an  
7 educational agency or institution;

8 “(II) the findings of any campus discipli-  
9 nary proceedings;

10 “(III) the sanctions incurred (if any), and  
11 any subsequent findings or amendments to such  
12 sanctions;

13 “(IV) findings of guilt of criminal mis-  
14 conduct and related sanctions from any pre-  
15 viously attended educational agencies or institu-  
16 tions where such records were created on or  
17 after September 1, 1998, and which are main-  
18 tained by the institution currently or most re-  
19 cently attended by the individual; and

20 “(V) any criminal acts required to be re-  
21 ported under paragraph (1)(F), (1)(H), or (4)  
22 of section 485(f) of the Higher Education Act  
23 of 1965 (20 U.S.C. 1092(f)).”.

24 (b) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect on September 1, 1998.

1 **SEC. 10. PROGRAM PARTICIPATION AGREEMENT ENFORCE-**  
2 **MENT.**

3 (a) PROGRAM PARTICIPATION AGREEMENT RE-  
4 QUIREMENTS.—Section 487(a)(12) (20 U.S.C.  
5 1094(a)(12)) is amended—

6 (1) by striking “and” at the end of subpara-  
7 graph (A);

8 (2) by striking the period at the end of sub-  
9 paragraph (B) and inserting “; and”; and

10 (3) by adding at the end the following new sub-  
11 paragraph:

12 “(C) the policies and crime statistics dis-  
13 closed under section 485(f) are comprehensive  
14 and accurate.”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on September 1, 1998.

17 **SEC. 11. REPORT ON MODEL PROGRAMS.**

18 (a) REPORT REQUIRED.—The Attorney General and  
19 the Secretary of Education shall publish annually a report  
20 identifying model programs for improving campus safety  
21 and complying with the requirements of section 485(f) of  
22 the Higher Education Act of 1965 (20 U.S.C. 1092(f)),  
23 including an identification of programs at institutions of  
24 varying sizes and purposes.

25 (b) DISSEMINATION OF REPORT.—The report re-  
26 quired by subsection (a) shall—



1           (1) be transmitted to the Committee on the Ju-  
2       diciary and the Committee on Education and the  
3       Workforce of the House of Representatives, and the  
4       Committee on the Judiciary and the Committee on  
5       Labor and Human Resources of the Senate; and

6           (2) be provided to each participating institution  
7       and the public via printed means, the Internet, and  
8       such other means as the Secretary of Education  
9       shall determine.

○